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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,657	12/11/2001	Zoltan Papp	2011808	4794

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[REDACTED] EXAMINER

BRITTAINE, JAMES R

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application N .	Applicant(s)
	10/014,657	PAPP, ZOLTAN
	Examin r James R. Brittain	Art Unit 3677
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>28 March 2003</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-10</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>7-10</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-6</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, comprising claims 1-6, in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 8.

Claim Objections

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Glynn (US 3179969).

Glynn (figures 1-8) teaches a holding device 5 with at least one operating mount in the form of the material forming the aperture 8, to which fastening means in the form of a pin that is stressed upon traction can be fixed, as well as with a securing unit for mounting the holding device in a stationary mount 3, whereby the securing unit has at least two stopping catches in the form of teeth 20 distanced from one another, which stopping catches 20 that engage, in the mounted condition, with corresponding edge sections 14 of the stationary mount 3; characterized in that: the stopping catches 20 are positioned on elastically movable support units 19 which are connected with one another by means of a transverse section comprising the material defining face 9 of the holding device 5 which is dimensionally stable in at least the mounted condition, and that, the extension of the distance along the stationary mount 3 between the edge sections 14 is smaller than the corresponding dimension of transverse section, through which any pulling force that may be exerted upon transverse section passes to the stationary catches. Figure 3 of Glynn clearly shows the separation between the edge sections 14 as being less than the bottom of the base of the lug.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schmid (US 4356987).

Schmid (figures 1-3) teaches a holding device with at least one operating mount in the form of the material forming the space 10 particularly by the cross-piece 4, to which fastening means that is stressed upon traction can be inherently secured to if so

desired since the cross-piece 4 is the equivalent structure to applicant's cross-piece, as well as with a securing unit for mounting the holding device in a stationary mount in the form of the panel 8, whereby the securing unit has at least two stopping catches in the form of upwardly facing surfaces of the catches that contact the panel 8 distanced from one another, which stopping catches that engage, in the mounted condition, with corresponding edge sections of the stationary mount 8; characterized in that: the stopping catches are positioned on elastically movable support units in the form of the legs 3 which are connected with one another by means of a transverse section, the cross-piece 4 and portions 9 of the legs 3, which is dimensionally stable in at least the mounted condition through the securement of the fastener in the aperture of the panel, and that, the extension of the distance along the stationary mount between the edge sections 14 is smaller than the corresponding dimension of transverse section since the portions 9 are clearly wider than the aperture in the panel, through which any pulling force that may be exerted upon transverse section passes to the stationary catches.

Response to Arguments

Applicant's arguments filed March 28, 2003 have been fully considered but they are not persuasive.

Applicant argues that applicant device is so configured that pulling forces exerted on the transverse section result in torque forces which press the stopping catches against the rims of the mount and emphasizes the torque function. None of this is required in the claim. All that is required is "any pulling force that may be exerted upon transverse section 7, 7a, 7b passes to the stationary catches" (lines 11-12). Obviously,

Art Unit: 3677

in any secured fastener, forces are transmitted to its integral point of attachment, as long as it stays in one piece. Its unknown where else the force would go other than be transmitted to the catches. Applicant's arguments are directed to the disclosure and the claim limitation at issue is far broader and requires absolutely no torquing of the catches. All that is required is that it stays connected and integral and the devices of Glynn and Schmid stay secured and don't fall off through their elastic legs secured in the receiving aperture. None of applicant's argument was at all apparent from the claims as filed and still is not anywhere to be found in the claims themselves. The rejection is made final, because while applicant is making an argument that was not a part of the original rejection there is still nothing in the claims that require any torque on the catches. The disclosure and apparent point of applicant's invention is far different from the scope applicant is claiming because there is nothing in the claims directed to the argument.

With respect to the references applicant argues that neither suggests such a mode of operation with the torque applied to the catches. However, the claims don't require this. There is no mention of the torque applied to the catches, all that is required is that they transmit a pulling force to the catches and Glynn and Schmid both provide this function. All that the claims require is that a portion of the fastener extending above the receiving opening be greater than the distance between the edges of the receiving opening. Glynn and Schmid each have such structure as shown above and "is dimensionally stable in at least the mounted condition" since it doesn't move on its own.

Conclusion

Art Unit: 3677

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M-W & F from 5:30 to 1:30 and Th from 5:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
May 5, 2003